

Long Creek Pass Communication Site



Draft Environmental Assessment



United States Department of Agriculture
Forest Service

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Blue Mountain Ranger District, Malheur National Forest, Grant County, Oregon

May, 2021

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Purpose and Need for the Proposed Action

AT&T has applied for a special use authorization to construct and operate a FirstNet site that would include a 195-foot self-supporting tower with associated facilities for operation at the current communication use location on Long Creek Pass.

The proposed project serves the FirstNet Nationwide Safety Public Broadband Network (FirstNet network) as well as AT&T's commercial customers. The FirstNet network provides first responders with priority access to wireless communications services on a single nationwide network, enabling increased coordination among first responder agencies and decreased response times.

The Malheur National Forest has accepted AT&T's application for the proposed site and preparing an environmental analysis to determine environmental impacts of the proposal.

The Land and Resource Management Plan Malheur National Forest (Forest Plan) management area designations at the communication site includes: Management Area 1&2 – General Forest & Rangeland; and Management Area 14 – Visual Corridors (Hwy 395). There is a need to include Land Management Area of Management Area 19 – Administrative Site to designate this location (Lat: 44.68126000; Long: -119.1329) as a Forest communication site. The designation of Management Area 19 at the Long Creek Pass Communication Site would require a plan-level amendment to the Forest Plan.

The communication site location is within Management Area 14 – Visual Corridors with a visual quality objective of retention. Authorizing the construction and operation of a FirstNet site would bring this specific location outside of the retention value. Therefore, a site-specific forest plan amendment for the facility to be outside of retention would be required.

FirstNet Background:

Following the events of the September 11, 2001, fundamental gaps in service were identified with the communication systems relied upon by first responders and the public. The coverage issues identified on this day highlighted the need for the development of a nationwide network for public safety communications.

Through support from public safety organizations and associations, the First Responder Network Authority (FirstNet) was passed by congress as part of the Middle-Class Tax Relief and Job Creation Act (PL 112-96) which was signed into law on February 22, 2012. This law gave movement to FirstNet, now a nationwide project with a mandate to build, operate, and maintain the broadband networks needed by first responders and the extended public safety community.

In March 2017, the Department of Commerce and FirstNet announced a partnership with AT&T, resulting in a 25-year public-private partnership agreement, formed to help achieve FirstNet's main priority for public safety. Consultation conducted between FirstNet with states, territories, tribal governments and public safety agencies, helped FirstNet gain a full understanding of the needs of first responders on a nationwide level. To date, all 50 states, five territories and Washington, DC have accepted FirstNet and AT&T's proposal to build a broadband network for the public safety of their communities.

In addition, the 'MOBILE NOW' Act was signed into the Consolidated Appropriations Act (PL 115-141) March 23, 2018, which is cited under SEC. 601 as 'Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to the Wireless Act'. On December 20, 2018, the President signed the Agriculture Improvement Act of 2018 (Farm Bill) requiring the Forest Service to issue

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regulations that streamline the Agency's procedures for evaluating applications to locate or modify communication facilities on National Forest System (NFS) Lands.

Site background:

Forest records indicate the Long Creek Radio Site, being renamed as the Long Creek Pass Site, has been operating communications equipment with shelter and a tower structure since the early 1970s. The communications site currently has a shelter and 40-foot wooden monopole.

Proposed Action

Authorize the construction and operation to AT&T of a FirstNet communication facility at the Long Creek Pass Site for a 30-year authorization. Proposed activities include:

- Construction and installation of:
 - 195-foot self-supporting tower with a communications facility building
 - back-up diesel generator with 164-gallon diesel tank
 - site security fencing
 - road maintenance and placement of a culvert at the junction of FSR 3970 and FSR 3970-024 for site access
- Removal of select juniper trees at the previously disturbed site.
- Construction may include disturbance of about 80 cubic yards and removal of about 10 cubic yards of material.
- Connection to adjacent overhead commercial power via buried line
- Accommodation of the existing site user, and potential future users, on/within the new facility and removal of existing communications facility infrastructure.
- Operation and maintenance of the above facilities may include: climbing tower, repair and replacement of tower hardware, equipment upgrades, roof repair, paint repair, maintenance of fuel tank, site fuel hazard reduction, invasive plant treatments, and trash removal.

A plan-level Forest Plan amendment proposed to include Forest Plan Management Area 19 – Administrative Site designation for the communication facility and other infrastructure currently at the Long Creek Pass location. Site would be designated as a Forest Service Communications Site with a Communications Site Management Plan.

A project-specific Forest Plan amendment proposed to change the standard of visual quality objective of retention (Forest Plan page IV-108 Standard #2 and LRMP Table L-1) in the foreground of Management Area 14 at the communication site location along US Highway 395 to modification only for the communication site location. All other foreground designation of Management Area – 14, Hwy 395 foreground would remain as visual quality objective of retention.

The Forest Service 2012 Planning Rule requires identification in the initial notice of the amendment of the substantive provisions that are likely to be directly related to the amendment (36 CFR 219.8 through 219.11). Substantive provisions determined likely to be directly relate to the proposed amendments include:

- 219.10(a)(1) Aesthetic values, scenery, and viewsheds: This substantive requirement may directly relate to the proposed plan amendment because the purpose of this amendment is to



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allow the impacts of the project activities to reduce scenic value at the activity site but not the surrounding area or future projects.

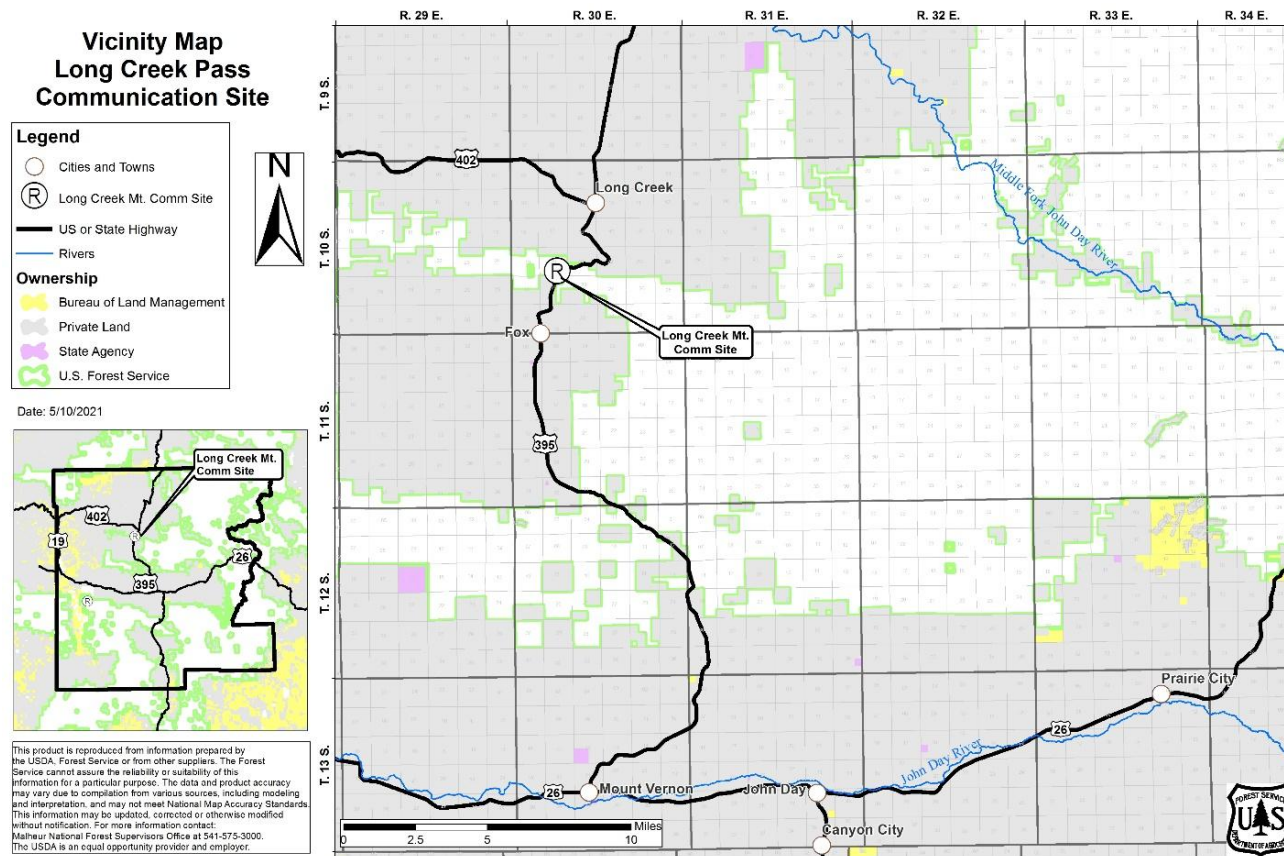
- 219.10(a)(3) Appropriate placement and sustainable management of infrastructure: This substantive requirement may directly relate to the proposed plan amendment to identify the existing communication site as an administrative site.

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Project Maps



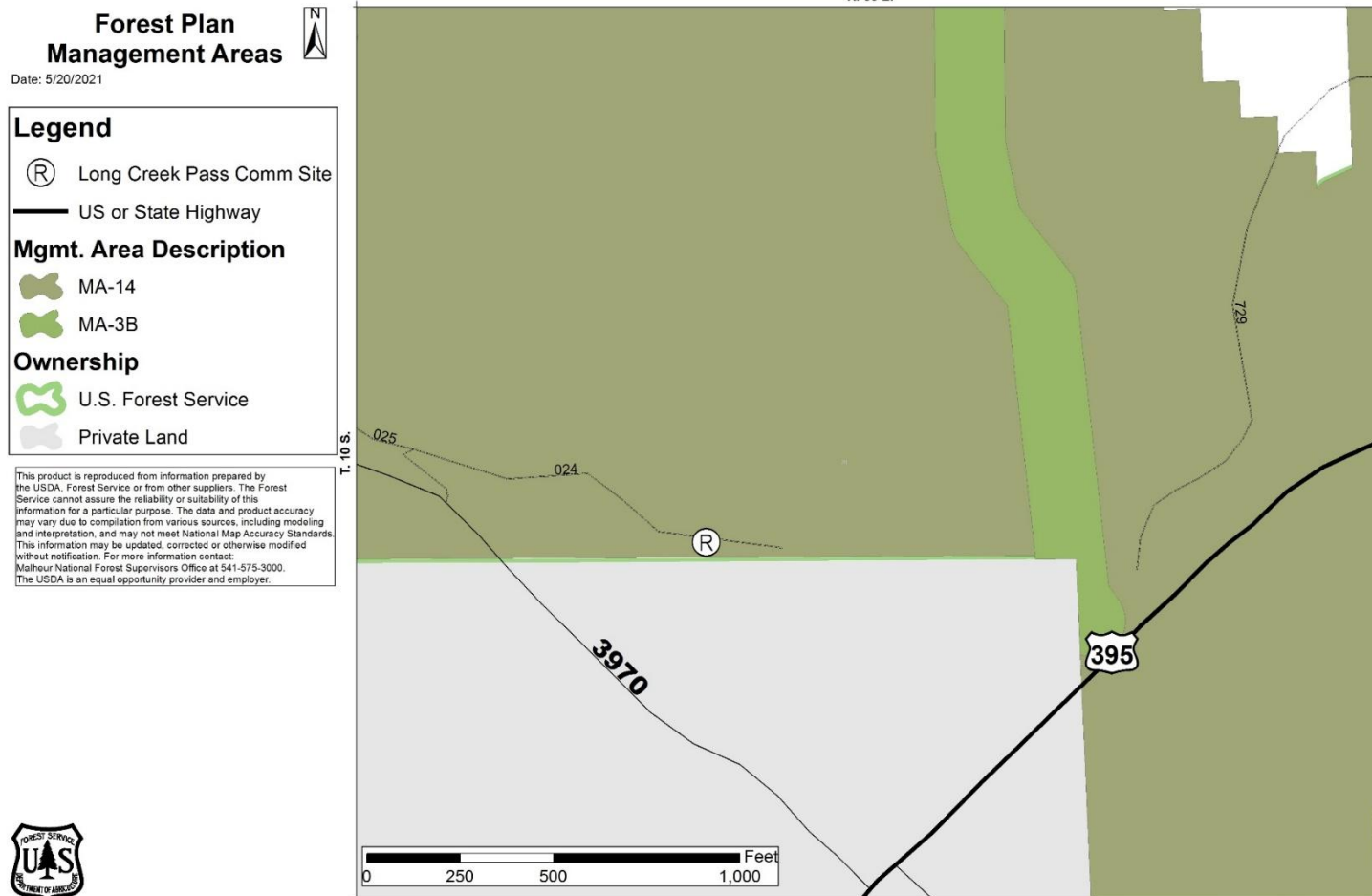
Vicinity Map: Long Creek Pass Communication Site



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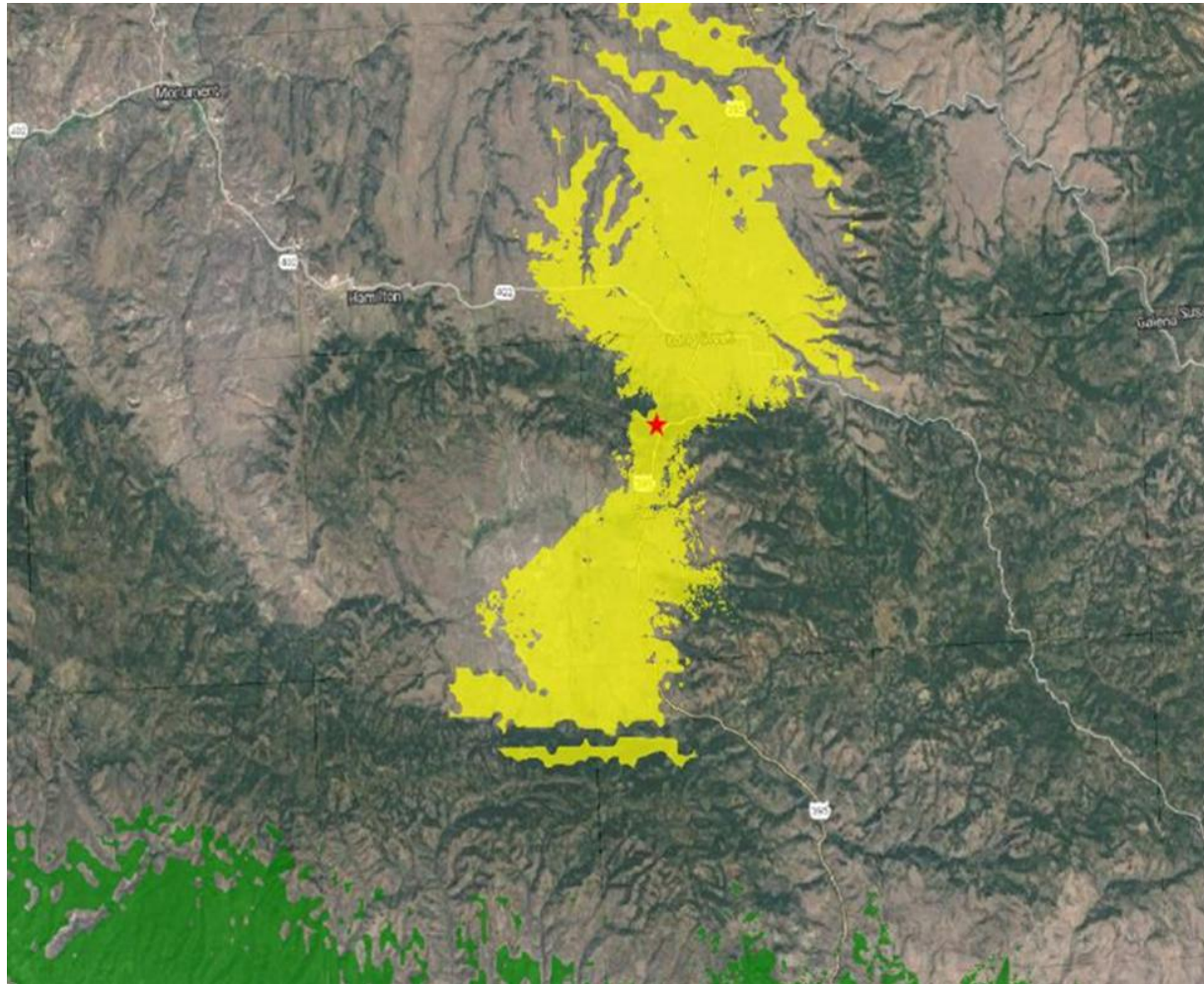


Management Areas of the Proposed Long Creek Pass Communication Site

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Projected AT&T Coverage from 195' Tip Height



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Alternatives to the Proposed Action

No alternatives have been developed to support FirstNet coverage for this section of US Highway 395. Alternative site locations were reviewed and determined to not be viable due to coverage loss, other uses of the land area, or additional infrastructure needs through National Forest system lands to access power and fiber. Various tower heights were considered but due to coverage loss along US Highway 395 they were not further developed into alternatives. Coverage maps and alternative site locations considered are available in the project record.

Required Mitigation

Table 1. Required mitigation or additional design elements

Mitigation Measure or Design Element	Nexus to Proposed Action	Authority and Monitoring or Enforcement Provisions
Proponent to contribute to CTUIR First Foods fund (off-site mitigation)	Visual impacts to Historic Properties of Religious or Cultural Significance to Indian Tribes (HPRCSIT)	National Historic Preservation Act



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Environmental Analysis

This section summarizes the analysis and disclosure of effects of the proposed action conducted to support the Finding of No Significant Impact and compliance with applicable law, regulation, and policy.

National Forest Management Act (NFMA) - Land Management Plan Consistency

The pertinent specialist has reviewed the proposal to ensure consistency with applicable land management plan direction. The following summarizes the analysis and conclusions supporting plan consistency. Appendix A identifies standard operating procedures that are also considered and incorporated as part of the project design. Offsite mitigations has been incorporated between the proponent and Confederated Tribes of the Umatilla Indian Reservation.

Botany

Known invasive plants at or near the stie include *Ventenata dubia* and *Centaurea stoebe var. maculosa*. Standard operating procedures for prevention of invasive plants would be part of the authorization and therefore no expected effect.

Fisheries

There are no issues associated with this project for fisheries. The only pathway for effects to fish from the project would be related to potential water quality and the addition of fine sediment to streams from ground disturbing activities. However, the nearest waterbodies are intermittent channels over 1000 feet away from the project area; the nearest fish bearing streams are 3 to 4 miles from the project site. The nearest stream that these waters would drain to designated as Critical Habitat for listed fish are Smith Creek and Paul Creek, which are 3 and 4 miles away, respectively. These buffer distances, along with the project design elements, and limited level of ground disturbing activities that will be occurring in the existing footprint of the previously established radio site, would result in minimal to no project derived sediment reaching a waterway. Therefore, there are no anticipated effects to fish, or Critical Habitat in the watershed.

Fuels

The proposed project will result in the creation of a limited amount of slash due to a few juniper trees being cut. The created slash is required to be piled by the project lead (AT&T.) See Appendix A for specifics and photo example. The result is that the accumulation of fuels is not an issue and results in no expected effect. These piles will be burned (in late fall to early spring) by Forest Service resources within two years of cutting, likely by December 31, 2022 to allow for curing over two summer/fall seasons and resulting in complete consumption of the piles. Due to the size of the piles, they will not be seen from the highway.

Hydrology

There are no issues associated with this project for water quality or hydrological processes. The project area is not within, or near, a Riparian Habitat Conservation Area (RHCA). The nearest waterbodies are intermittent channels over 1000 feet away from the project area. The nearest perennial streams are 3 to 4 miles from the project site. These buffer distances, along with the project design elements, and limited level of ground disturbing activities that will be occurring in the existing footprint of the previously

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established radio site, would result in minimal to no project derived sediment reaching a waterway, and therefore, would have no effect to water quality.

Lands Special Uses

With the proposed accommodation of the existing communications site user, no issues associated with this project were identified for Lands Special Uses.

Additional authorization stipulations, beyond the standard national authorization clauses, are listed in Appendix A.

Minerals

There are no locatable minerals or mineral materials identified in the project area managed by the Forest Service. Oregon Department of Transportation rock pit near the site would not be affected by the proposal.

Range

No concerns with range management during construction or operation as there are no range improvements within the project area. Benefit could include increased cell phone coverage for range management.

Recreation

There are no recreation sites adjacent to or near the project area. Benefit could include increased cell phone coverage for people recreating in the area.

Silviculture

There are no issues associated with this project for forest vegetation. The project area is comprised of juniper and mountain mahogany with scattered conifer nearby. The project area itself is not forested and would not have been formerly forested. The project actions, including removal of a few juniper, would have no effect on forest vegetation.

Soils

There are no soils concerns within project area because this is a previously disturbed area on generally flat terrain.

Special Management Areas

There are no special management areas in the project area.

Visuals

Analysis of views to the proposed tower site was conducted through site visits and photo simulations from several sites along Highway 395. The photo simulations were provided by AT&T and are included in with the specialist report.

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Existing Condition

The Long Creek Pass site is located 900 feet to the west of US Highway 395. The highway is a three-lane highway at the pass with a speed limit of 45-55 miles per hour. The highway at this location travels north/south through a saddle on a forested ridge. The landscape surrounding the proposed Long Creek Pass communications site is dominated by conifers generally 40 feet or less in height. Directly adjacent to the west side of the highway is a state managed rock pit that dominates the first 690 feet between the highway and the tower location. This rock pit is bare ground that is highly impacted by gravel piles and excavated ground.

At the proposed tower site, there is currently a 40' mono pole and a structure that houses county radio equipment. The area around the existing site is highly disturbed with a cleared area approximately 80 feet by 80 feet. On the west edge of the rock pit and just to the east of the tower location is a powerline corridor that runs north/south. The powerline corridor cuts through the trees and is visible from many locations to the north of the tower location. Along US Highway 395 this area is best classified as moderately altered.

Environmental Consequences

The proposed tower is a 195' structure built of non-reflective metal, with an open lattice construction, and narrow, vertical form. The form, line, color and texture of the proposed tower will not be compatible with the form, line, color and texture of the surrounding vegetation and skyline. Therefore, the tower will not meet the Forest Plan Visual Quality Objective of retention as required for the foreground of Management Area-14, visual corridor. (See Appendix B for photo simulations of the proposed tower.)

The proposed tower would be compatible with a visual quality objective of modification as it would dominate the characteristic landscape from locations along US Highway 395. The design will minimize impacts by using non-reflective material and an open lattice construction. The existing disturbances, in close proximity to the proposed tower location, including the rock pit and the power line corridor will lead the viewer to consider the area as a natural area with infrastructure.

Any related infrastructure including buildings and fences would require non-reflective metal or a color similar to the background such as light green and light brown. The other related infrastructure, including buildings and fence will meet the Visual Quality Objective of retention and may be only minimally visible from US Highway 395 and will repeat the form, line, color and texture of the surrounding characteristic landscape.

Please see the project record for the specialist report and Appendix B for the simulated photos of the proposed tower.

Wildlife

Proposed project is on an existing site already being accessed by an open and well-maintained road. The site is also within 680' feet of US Highway 395. Disturbance of wildlife may increase during construction, but motorized disturbance is expected to remain the same as before authorization. The proposed project would have no effect on the viability of management indicator species because there would be no measurable loss of habitat.

Evaluation of Forest Plan Amendments

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The Forest Service has identified a need to change the Forest Plan to fully conform with the proposed communication site. Based on the direction provided in 36 CFR 219, the responsible official must determine the appropriate scope and scale of forest plan amendments and apply those provisions of 36 CFR 219.8 through 219.11 that directly apply to the proposed amendments. In the following section, the provisions of 36 CFR 219.8 through 219.11 that directly apply to the proposed amendments are briefly identified and discussed.

Designation of Land and Resource Management Area 19 - Administrative Site

Based on the proposed construction and operation of a communication site the following substantive requirement applies to the proposed action: 36 CFR 219.10(a)(3) Appropriate placement and sustainable management of infrastructure:

This substantive requirement may directly relate to the proposed plan amendment to identify the existing radio site as an administrative site. The Forest Plan description of administrative sites include long term special uses. The current use at the site has been in operation for over 30 years. The proposed communication site authorization would be for 30 years with option for renewal. Therefore, the FirstNet communication site does meet the description of an Administrative Site as defined in the Forest Plan. The goal for administrative sites is to provide and maintain sites for facilities necessary for the administration to the Malheur National Forest. The FirstNet system would provide safety to Forest users and surrounding areas would be greatly increased through the addition of the proposed action for communications of emergency personnel. The designated administrative site would be less than one acre at the current location of the Grant County radio site.

As described in the alternatives considered, this site location best fits the needs of FirstNet coverage for the largest area along US Highway 395 and provides the least amount of added infrastructure though National Forest system lands for operation as power and road access is already in place.

The designation of Forest Plan Management Area 19-Administrative Site would be a plan-level amendment. Decisions by the Forest Service to approve "plan level" amendments to Land Management Plans are subject to the Pre-Decisional Administrative Review Process Regulations at 36 CFR 219 Subpart B. The term "plan level" refers to plan amendments that would apply to future management actions. The designation of Management Area 19 would allow for the development of a communication site plan for future management of the site.

Amendment of Visual Quality Objective of Retention at the Communication Site

The substantive provision likely applicable to the purpose of the amendment is 36 CFR 219.10(a)(1) Aesthetic values, scenery, and viewsheds: This substantive requirement may directly relate to the proposed plan amendment because the purpose of this amendment is to allow the impacts of the project activities to reduce scenic value at the activity site but not the surrounding area or future projects.

The proposed tower would be visible from various sections of US Highway 395 and therefore not in compliance with the visual quality objective of retention as the tower rises above the vegetation canopy. The proposed design of the building and base of the tower may be minimally visible from US Highway 395 due to existing vegetation of juniper, distance from the highway, project design for color and surface of the building and tower, and vehicle speeds of travelers driving the corridor. It is expected that below the vegetation canopy would remain in the visual quality value of retention. The amendment to not meet retention would only apply to the communication site.



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Other Law, Regulation and Policy Consistency

The following laws, regulations, or policies pertinent to this project include:

Clean Air Act

Burning of any kind would not occur unless prior approval is granted by the Oregon Department of Forestry in compliance with the Clean Air Act.

Clean Water Act

This project would not result in point, or non-point source pollution to water quality. The project area is approximately 1000 feet from the nearest drainage. Any soil that may be disturbed from project activities would be intercepted by vegetation or topography prior to entering any Waters of the United States.

Endangered Species Act - Threatened, Endangered, Proposed and Candidate Species and Critical Habitat

Species with a Determination of No Effect:

Mid- Columbia Steelhead and Critical Habitat. The project is outside of any RHCAs and 3-4 miles from a fish bearing stream and designated Critical Habitat.

No threatened, endangered or candidate plant or fungi species occur in this area, therefore a No Effect determination is made.

No threatened, endangered, or candidate terrestrial species or habitat specific to the area, therefore No Effect determination is made.

Sensitive Species (FSM 2670)

Species with a Determination of No Impact:

No impact for aquatic sensitive species. See Fisheries section and T&E determinations above for rationale.

There are no sensitive plant species in the project area, therefore a determination of no impact is made.

Sensitive terrestrial species that may be present during project activities may be temporarily displaced into adjacent habitat. No habitat loss and no impacts to individuals or populations would be expected. See project record for list of species that may be present in the project area.

Supporting Project Documentation

Table 2. Applicable project file documentation to support agency sensitive species compliance

Supporting Documentation	File Name(s) / Link
Wildlife species lists	Box\BMCE\FY2021 CEs\7-FirstnetLongCreekPass\IDT Review\Wildlife

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National Historic Preservation Act – Section 106 Review

An inventory as required by Section 106 of the NHPA was completed under contact by AT&T and submitted to the Forest and Oregon SHPO for review. The Oregon SHPO concurred with the report finding of No Adverse Effect in a letter dated March 22, 2021 (SHPO Case # 21-0117).

Adverse effects on historic properties - 36 CFR 800.5(d)(2). The proposed action could adversely affect National Register eligible cultural sites. The adverse effects have been resolved IAW 36 CFR 800.6 (see comments section).

Comments

Mitigation of potential Adverse Effects for visual impacts to three Historic Properties of Religious or Cultural Significance to Indian Tribes (HPRCSIT) was accomplished through direct negotiation between AT&T and the Confederated Tribes of the Umatilla Indian Reservation.

Supporting Project Documentation

Table 3. Applicable project file documentation to support National Historic Preservation Act compliance

Supporting Documentation	File Name(s) / Link
Á Cultural Resource Assess of an AT&T Wireless Facility Project: 'BK66/Hwy 395 & Jack Vaughn" Wireless Telecommunications Service Facility near Long Creek, Grant County, Oregon. Oregon SHPO Report# 31460	Contains sensitive information. Not a public record. Available for review by qualified cultural resource specialists through the Oregon SHPO.
Oregon SHPO letter of concurrence for SHPO Report# (31460)	Stored in the Forest Service National Heritage Program Database under project number R2021060400003.

Government to Government Consultation (EO 13175)

The responsible official identified the following regarding Government to Government consultation:

Government to Government Tribal consultation completed

Blue Mountain District Ranger Robert Foxworth provided letters to the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs and Burns Piute Tribe on March 5, 2021 for this project and several other related special use projects across the Malheur National Forest.



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Supporting Project Documentation

Table 4. Applicable project file documentation to support Government to Government consultation compliance

Supporting Documentation	File Name(s) / Link
Letters	Box\BMCE\FY2021 CEs\7-FirstnetLongCreekPass\Scoping and Collaboration (not public)

Relevant Executive Orders

The responsible official determined the proposal complies with the following Executive Orders, which were deemed relevant based on the nature of the proposal.

EO 11988, Floodplain Management – requires determination of action occurring in a floodplain, using HUD floodplain map or more detailed map if available.

Project activities are not occurring on a ridgetop, outside of any floodplains.

EO 11990, Protection of Wetlands – avoid actions within wetlands unless there are no practical alternatives, and the action includes all practicable means to minimize harm to wetlands.

Project does not occur in or affect any wetlands.

EO 12898, Environmental Justice – identify and address disproportionately high and adverse effects on minority and low-income populations.

Communities along US Highway 395 contain both minority and low-income populations; however, there are no minority or low-income populations that would be disproportionately affected by the proposed action. In addition, the implementation of the proposed alternative would not result in any identifiable adverse human health effects; therefore, there would be no direct or indirect adverse effects on any minority or low-income population, nor would there be any identified effects that would be specific to any minority or low-income communities. For these reasons, the topic “environmental justice” was dismissed as an impact topic from detailed analysis.

EO 13007, Indian Sacred Sites – avoid adversely affecting the physical integrity of these sites.

Potentially adverse effects to Historic Properties of Religious or Cultural Significance to Indian Tribes have been addressed through off site mitigation

EO 13175, Consultation and Coordination with Indian Tribal Governments - agencies consult with Indian Tribes and respect Tribal sovereignty as they develop policy on issues that impact Indian communities.

Consultation was completed.

EO 13112, Invasive Species -prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

Standard operating procedures to be included in the authorization are designed to prevent introduction and spread of invasive species.

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EO 13186, Migratory Birds – identify actions that may have a measurable negative effect on migratory bird populations.

Migratory birds are particularly susceptible to collisions with communications towers, particularly night migrants. Collision mortality typically increases with tower height. Eliminating non-flashing lights can decrease collision mortality by as much as 70%. Implementation of this project would include the USFWS guidelines to mitigate collision mortality for migratory birds from communication towers at <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php>. Following the required direction would result in compliance of the executive order.



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Agencies, Organizations and Persons Consulted

The responsible official contacted or consulted with those listed below during the preparation of the environmental assessment in compliance with requirements to involve the public, relevant agencies, organizations, and governments.

On March 18, 2021 a news release describing the request for FirstNet sites at Long Creek Pass and Aldrich Communication Site was published on the Malheur National Forest internet site, Facebook page and Twitter account and distributed to the following:

Agencies

Oregon Department of Transportation
City of Long Creek
Grant County, Oregon

Organizations/Businesses

AT&T
Oregon Telephone Company
Oregon Trail Electric Cooperative
Malheur Enterprises
Elkhorn Media Group
Baker City Herald
Bend Bulletin
Blue Mountain Eagle
Burns Times Herald
East Oregonian
KATU
KTVZ
KSQB News Bend
KORC 92.7

Malheur National Forest Constant Contact list includes: 5 National Forest Public Affairs offices, Congressional Staffers, Partner Groups, Two Chamber of Commerce's and a few outside interested parties.

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Native American Tribal Governments

Consultation with Tribal Governments began on March 5, 2021. Tribal Governments contacted include:

Burns Paiute Tribe

Confederated Tribes of Warm Springs

Confederated Tribes of the Umatilla Indian Reservation.

Supporting Project Documentation

Table 5. Applicable project file documentation to support NEPA compliance

Supporting Documentation	File Name(s) / Link (if applicable/needed)
Outreach and Scoping	Box\BMCE\FY2021 CEs\7-FirstnetLongCreekPass\Scoping and Collaboration
30 Day Notice and Comment	Box\BMCE\FY2021 CEs\7-FirstnetLongCreekPass\Scoping and Collaboration\30DayNoticeComment